

Docket No.: ACY33317-D1  
Patent

### **REMARKS**

#### **I. Status of the Claims**

Claims 1-13 were canceled and new claims 19-23 were added in a Preliminary Amendment submitted August 19, 2003. Claims 14-18 have been canceled and claim 21 has been added in the Amendment submitted herewith.

The present Restriction Requirement, mailed February 27, 2004, indicates that claims 1-18 are presently pending in the application. Applicants respectfully request clarification and acknowledgment that the Preliminary Amendment was received by the Office and entered by the Examiner. It is Applicants belief that claims 19-23 are presently pending in the application.

#### **II. Support for the Claims**

Support for amended claim 21 can be found at least in the claims as originally filed.

#### **III. Claims are Subject to Restriction Under 35 U.S.C. § 121**

It is asserted in the Action, that Restriction of claims 1-18 to one of the following inventions is required under 35 U.S.C. § 121:

Group I: Claims 1 through 13, drawn to an antigenic conjugate and a vaccine composition comprising the same, classified in class 424, subclass 250.1.

Group II: Claims 14 through 18, drawn to a method of immunizing an individual and a method of preventing sepsis in a mammal, classified in class 514, subclass 898.

Applicants hereby elect Group I, the invention according to claims 1-13, for examination in the present application. As set forth above, Applicants believe that claims 1-13 were canceled and new claims 19-23 were added in a Preliminary Amendment, submitted August 19, 2003. Thus, it is further believed that the election of Group I, applies to presently pending claims 19-23.

It is further asserted that claim 4 is directed to a plurality of structurally distinct carrier protein species, and as such, Applicant is required to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants believe that the election of species, with respect to carrier proteins, applies to pending claims 21, and hereby elect the species "outer membrane proteins of *Neisseria meningitidis*" for examination, which read on claim 19.

It is further asserted that claim 6 is directed to a plurality of structurally and genetically distinct gram negative bacterial species, and as such, Applicant is required to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. Applicants believe that the election of species, with respect to bacterial

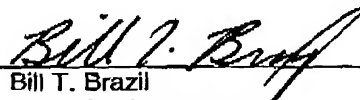
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species, applies to pending independent claim 19, and hereby elect the species "*Neisseria gonorrhoeae*" for examination, wherein claims 20-23 read on claim 19.

It is the Applicants' belief that claims 19-23 are pending in the application and are in condition for allowance, and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned Agent at the number indicated.

The notice set a one-month period to comply, to and including March 27, 2004. Thus, this response is believed to be timely filed. Should any fees be deemed necessary, the Commissioner is authorized to deduct said fees from Deposit Account No. 01-1425.

Respectfully submitted,



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